

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-MBS-TJH-
RMG

**STIPULATION PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 15(a)(2) REGARDING
AMENDMENT OF SECOND
AMENDED COMPLAINT TO REMOVE
COUNT ONE AND COUNT TWO**

Plaintiff The South Carolina State Conference of the NAACP (“Plaintiff SC NAACP”), by
and through its undersigned counsel and pursuant to Rule 15(a)(2) of the Federal Rules of Civil
Procedure, hereby stipulates and agrees, with the consent of all Defendants,¹ to amend the Second

¹ “[A] party may amend its pleading . . . with the opposing party’s written consent . . .” Fed.
R. Civ. P. 15(a)(2). *See also Skinner v. First Am. Bank of Virginia*, 64 F.3d 659 (4th Cir. 1995)
(“Because Rule 41 provides for the dismissal of *actions*, rather than *claims*, Rule 15 is technically

Amended Complaint for the purpose of removing Counts One and Two. (*See* ECF No. 154 at ¶¶ 247-260). The basis for this Stipulation is that Plaintiff SC NAACP² and House Defendants have executed the Settlement Agreement and Release attached as ***Exhibit A***, which resolves Count One and Count Two and obviates the need for a trial on Plaintiff SC NAACP's claims challenging certain House districts enacted in Act No. 117, Acts and Joint Resolutions, 2021-2022. A true and correct copy of Plaintiffs' Third Amended Complaint is attached to this Stipulation as ***Exhibit B***. All Parties agree that upon the filing of the Third Amended Complaint, the only Complaint properly before the Court is the Third Amended Complaint.

House Defendants and Plaintiff SC NAACP further stipulate that if enactment of the Settlement Maps does not occur as provided for by ***Exhibit A***, Plaintiff SC NAACP will have good cause to further amend their Complaint under Fed. R. Civ. P. 15 in order to reallege Count One and Count Two, provided, however, that Plaintiff SC NAACP complies with its obligation under the Settlement Agreement (*see Ex. A* at ¶ 5) to engage in good faith negotiations with House Defendants regarding the enactment of the Settlement Maps through a separate legislative vehicle prior to any such further amendment.

[SIGNATURE BLOCKS TO FOLLOW]

the proper vehicle to accomplish a partial dismissal.”).

² Plaintiff Taiwan Scott challenges only the Congressional Plan, not the House Plan, and therefore is not a party to this Agreement resolving his co-plaintiff's claims against the House Plan.

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